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Via Electronic Mail

TO: Air Regulatory Projects Distribution List

FROM: Beth Rogers, Environmental Administrator
Regulatory Reform/Legislative Coordination
Division of Air Resource Management

DATE: October 12, 2022

SUBJECT: Air Regulatory Projects Update No. 2022-05

Distribution of Updates

To keep regulatory staff and other interested persons informed of regulatory development and reform activities undertaken by the Florida Department of Environmental Protection (DEP), Division of Air Resource Management (DARM), an Air Regulatory Projects Update is transmitted periodically via email to summarize recent air rule development and state planning activities.

Please be aware that Notices of Rule Development, Notices of Rule Workshops or Hearing, Notices of Proposed Rule, Notices of Change, Notices of Intent to Adopt a Rule and Notices of Withdrawal pertaining to specific Florida rule sections are published in the Florida Administrative Register (FAR) (available online at www.flrules.org). Although DARM's Air Regulatory Projects Update may coincide with open comment periods for specific rulemaking activities, these updates are not intended to serve as general or specific notice of any pending rulemaking activity or as a substitute for the public notices published in the FAR.

This update lists Florida air rules recently adopted, revised, or repealed, and any Clean Air Act State Implementation Plan (SIP) revisions recently submitted to the U.S. Environmental Protection Agency (EPA).

For additional information on current and recently completed air regulatory projects, including workshop materials and other project-related documents, please visit DARM's [Regulatory Projects](https://floridadep.gov/air/air-business-planning/content/air-regulatory-projects) webpage at <https://floridadep.gov/air/air-business-planning/content/air-regulatory-projects>.

Please contact Beth Rogers at 850-717-9019 or Elizabeth.Rogers@FloridaDEP.gov if you have questions or comments on any of the projects listed on this Air Regulatory Projects Update.

Please contact Terri Long at 850-717-9023 or Terri.Long@Floridadep.gov to add, remove or update any email address for future distribution of Air Regulatory Projects Updates.

Updates

Florida’s State Implementation Plan (SIP) – Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products): Rule Amendments

On October 12, 2022, DEP submitted to EPA a Final Proposed SIP Amendment to Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products).

On August 31, 2022, DEP submitted to EPA a Pre-Hearing Proposed SIP Amendment and published a Notice of Hearing, if requested, in the FAR. No hearing was requested, and no hearing was held. This proposed SIP revision consists of amendments that provide compliance alternatives to the Miscellaneous Metal Parts and Products (MMPP) requirements for aerospace parts and products coating operations by cross-referencing the requirements of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, Subpart GG, adopted by reference in Rule 62-204.800, F.A.C. EPA incorporates F.A.C. rules into Florida’s SIP on a rule-by-rule basis according to their state-established effective dates. The rule language that DEP is requesting be amended in Florida’s SIP is contained in Rule 62-296.513, F.A.C. (“Surface Coating of Miscellaneous Metal Parts and Products”).

Florida’s State Implementation Plan (SIP) – Supplement to Pending Excess Emissions Rule SIP (Startup, Shutdown, & Malfunction)

On September 30, 2022, DEP submitted to EPA a Final Proposed Supplemental SIP for Florida’s pending Excess Emissions Rule SIP.

On August 17, 2022, DEP submitted to EPA a Pre-Hearing Proposed Supplemental SIP and published a Notice of Hearing, if requested, in the FAR. No hearing was requested, and no hearing was held. This proposed SIP revision consists of revisions to Florida’s pending Excess Emissions Rule SIP. Florida submitted to EPA its original Excess Emissions Rule SIP on November 22, 2016, in response to EPA’s Startup, Shutdown, and Malfunction (SSM) SIP Call. With this supplemental SIP, Florida is proposing to add to Florida’s Excess Emissions Rule SIP SSM-related amendments to rule provisions in Chapter 62-296, F.A.C., and facility-specific permits to clarify requirements for operations during startup, shutdown, and malfunction, and interactions with applicable federal standards.

Notice of Rule Development – Chapter 62-210, F.A.C. (Stationary Sources – General Requirements)

On September 8, 2022, DEP published a Notice of Rule Development (NORD) for Chapter 62-210, F.A.C. (Stationary Sources – General Requirements). DEP intends to amend Rule 62-210.300, F.A.C., to provide a permit exemption for Source-Separated Organics Processing facilities (“Yard Trash Processing and Recycling Facilities”), revise existing exemptions for boilers to align with recently adopted federal regulations, clarify the applicability of the “Generic Facility Exemption” for facilities that emit regulated air pollutants under specified thresholds, delete the Air General Permit for Ethylene Oxide Sterilizers, and modify Rule 62-210.360, F.A.C., to allow for operating permits, including Title V operating permits, to be administratively corrected to incorporate air construction permits that meet the procedural requirements of 40 CFR 70.7(e). Deletion of the Air General Permit for EtO sterilizers would subject EtO sterilizers to facility-specific permitting requirements. EtO sterilizers would be required to obtain facility-specific air construction permits and air operation permits, which would detail applicable emissions limits, emissions control technologies, and monitoring and reporting requirements.

Florida’s State Implementation Plan (SIP) – Chapter 62-204, F.A.C. (Air Pollution Control – General Provisions): Rule Repeals and Amendments

On August 12, 2022, DEP submitted to EPA a Final Proposed SIP Amendment to Chapter 62-204, F.A.C. (Air Pollution Control – General Provisions).

On July 6, 2022, DEP to EPA a Pre-Hearing Proposed SIP revision and published a Notice of Hearing, if requested, in the FAR. No hearing was requested, and no hearing was held. This proposed SIP revision consists of the removal of outdated or superseded F.A.C. rule requirements. The proposed SIP revision also incorporates amendments to F.A.C. rules to make Florida's SIP consistent with current rules. The rule language that DEP is requesting be removed from, or amended within, Florida's SIP is contained in Chapter 62-204, F.A.C. (Air Pollution Control – General Provisions).

Fast-Track Rulemaking – Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products)

On June 16, 2022, DEP filed a Rulemaking Certification Package with the Florida Department of State. Revisions to F.A.C. Revisions of Rule 62-296.513, F.A.C., were effective on June 16, 2022.

On May 25, 2022, DEP published a Notice of Intent to Adopt (NOITA) for Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products). The purpose of the NOITA was provide alternatives to the Surface Coating of Miscellaneous Metal Parts and Products (MMPP) requirements for aerospace parts and products coating operations by cross-referencing the requirements of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, Subpart GG, adopted by reference in Rule 62-204.800, F.A.C.

Rulemaking – Chapter 62-296, F.A.C. (Stationary Sources – Emission Standards)

On June 3, 2022, DEP filed a Rulemaking Certification Package with the Florida Department of State. Revisions to F.A.C. Revisions of Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., were effective on June 23, 2022. DEP received public comments on Rule 62-296.405, F.A.C. (Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input), on April 11, 2022. Based on the public comments, DEP published a Notice of Change on May 5, 2022. The clarifications were related to the calculations of the 30-day averaging times for Particulate Matter (PM), Sulfur Dioxide (SO₂), and Nitrogen Oxides (NO_x). The published NOPR stated that an arithmetic average would be used. Considering the public comments, the Notice of Change authorized use of a 30-day averaging time to be calculated using a heat-input weighted average. The Notice of Change also provided clarifying language on how to calculate the 30-day average.

On March 22, 2022, DEP published a Notice of Proposed Rule (NOPR) for F.A.C. Rules 62-296.402 (Sulfuric Acid Plants), 62-296.404 (Tall Oil Plants and Kraft [Sulfate] Pulp Mills), 62-296.405 (Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input), and 62-296.570 (Reasonably Available Control Technology (RACT) – Requirements for Major VOC- and NO_x-Emitting Facilities). The purpose of this NOPR was to revise Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., to delete provisions that were outdated or superseded by federal regulations and to clarify federal rule applicability. Other minor corrective or clarifying amendments were also proposed.

Florida's State Implementation Plan (SIP) – Chapter 62-296, F.A.C. (Stationary Sources – Emission Standards): Rule Removals and Amendments

On April 1, 2022, DEP submitted to EPA a Final Proposed SIP Amendment to Chapter 62-296, F.A.C. (Stationary Sources – Emission Standards).

On December 15, 2021, DEP submitted a Pre-Hearing submittal to EPA and published a Notice of Hearing, if requested, in the FAR. No hearing was requested, and no hearing was held. This proposed SIP revision consists of the removal of outdated or superseded F.A.C. requirements and a CAA Section 110(l) noninterference demonstration. The proposed SIP revision also incorporates amendments to F.A.C. rules to make Florida's SIP consistent with current rules. The rule language that DEP requested be removed from, or amended within, Florida's SIP is contained in Chapter 62-296, F.A.C.

Florida's Proposed Regional Haze Plan for the Second Implementation Period

On October 8, 2021, DEP submitted to EPA the final proposed Regional Haze Plan for the Second Implementation Period. On June 9, 2021, DEP submitted to EPA a Pre-Hearing submittal and published a Notice of Hearing, if requested, in the FAR. A hearing was requested, and the hearing was held on July 15, 2021. This proposed SIP revision addresses regional haze in Florida's mandatory federal Class I areas and nearby Class I areas for the second implementation period of EPA's Regional Haze Rule. During the Federal Land Managers (FLM) consultation period, DEP received comments from the National Park Service noting that Florida's regional haze SIP has satisfied the reasonable progress requirements for Everglades National Park, although more work will be needed in future implementation periods.

Current Air Regulatory Projects

- 1. Proposed Amendment to Florida's State Implementation Plan (SIP) – Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products): Rule Amendments**
 - 10/12/22 Proposed SIP revision submitted to EPA
 - 10/05/22 Public Hearing, if requested (hearing canceled, no hearing requested)
 - 08/31/22 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

- 2. Proposed Supplement to Florida's Pending Excess Emissions Rule State Implementation Plan (SIP)**
 - 09/30/22 Proposed SIP revision submitted to EPA
 - 09/21/22 Public Hearing, if requested (hearing canceled, no hearing requested)
 - 08/17/22 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

- 3. Rule Development – Rules 62-210.300, 62-210.310 and 62-210.360, F.A.C. (Stationary Sources – Emission Standards)**
 - 09/08/22 Notice of Rule Development published

- 4. Proposed Amendment to Florida's State Implementation Plan (SIP) – Chapter 62-204, F.A.C. (Air Pollution Control – General Provisions): Rule Repeals and Amendments**
 - 08/12/22 Proposed SIP revision submitted to EPA
 - 08/08/22 Public Hearing, if requested (hearing canceled, no hearing requested)
 - 07/06/22 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

- 5. Proposed Amendment to Florida's State Implementation Plan (SIP) – Chapter 62-296, F.A.C. (Stationary Sources - Emission Standards): Rule Removals and Amendments**
 - 04/01/22 Proposed SIP revision submitted to EPA
 - 01/19/22 Public Hearing, if requested (hearing canceled, no hearing requested)
 - 12/15/21 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

- 6. Florida's Proposed Regional Haze Plan for the Second Implementation Period**
 - 10/08/21 Proposed Regional Haze Plan submitted to EPA
 - 07/15/21 Public Hearing held
 - 06/09/21 Pre-Hearing Proposed Regional Haze Plan for the Second Implementation Period submitted to EPA

06/09/21 Notice of Hearing, if requested published in the FAR

- 7. Proposed Amendment to Florida’s Commercial Industrial Solid Waste Incinerator (CISWI) 111(d) State Plan.**
 - 07/02/20 Proposed CISWI 111(d) State Plan revision submitted to EPA
 - 07/08/20 Public Hearing, if requested (hearing canceled, no hearing requested)
 - 05/27/20 Pre-Hearing CISWI 111(d) State Plan revision submitted to EPA
 - 06/04/18 EPA proposed approval of Proposed CISWI 111(d) State Plan
 - 05/31/17 Proposed 111(d) Plan submitted to EPA
 - 02/22/17 Public Hearing, if requested (hearing canceled, no hearing requested)
 - 01/20/17 Pre-Hearing Draft Proposed 111(d) State Plan amendment submitted to EPA and Notice of Hearing, if requested published in the FAR.

- 8. Proposed Amendment to Florida’s State Implementation Plan (SIP) – Rule 62-210.700, F.A.C. (Excess Emissions)**
 - 11/22/16 Proposed SIP revision submitted to EPA
 - 10/13/16 Pre-Hearing Draft Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

Recently Completed Air Regulatory Projects

Recently completed projects are listed in reverse chronological order by effective date of rule adoption/repeal or by most recent date of submittal to EPA.

- 9. Municipal Solid Waste (MSW) Landfills 111(d) State Plan.**
 - 08/16/22 EPA Published Final approval of 111(d) State Plan (87 FR 50269)
 - 05/16/22 DEP Submitted Supplemental Information to EPA for Florida’s proposed 111(d) State Plan
 - 10/27/21 EPA published proposed approval of 111(d) State Plan (86 FR 59336)
 - 12/22/20 Proposed MSW 111(d) State Plan submitted to EPA
 - 12/01/20 Public Hearing, if requested (hearing canceled, no hearing requested)
 - 10/21/20 Pre-Hearing MSW 111(d) State Plan submitted to EPA and Notice of Hearing published in the FAR

- 10. Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products) (Fast Track Rulemaking)**
 - 06/16/22 Certification package filed with DOS 06/16/22; rule amendments adopted, effective 06/16/22
 - 05/25/22 Notice of Intent to Adopt published

- 11. Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C. (Stationary Sources – Emission Standards)**
 - 06/03/22 Certification package filed with DOS 06/03/22; rule amendments adopted, effective 06/23/22
 - 05/05/22 Notice of Change published (Rule 62-296.405, F.A.C.)
 - 04/11/22 Received Public comments on Rule 62-296.405, F.A.C.
 - 03/22/22 Notice of Proposed Rule published
 - 11/04/21 Notice of Rule Development published

- 12. Rules 62-210.310 and 62-210.700, F.A.C. (Stationary Sources – General Requirements)**
03/07/22 Certification package filed with DOS 03/07/22; rule amendments adopted, effective 03/27/22
02/03/22 Notice of Proposed Rule published
11/04/21 Notice of Rule Development published
- 13. SIP Revision 2020-01 – Removal of Florida’s Motor Vehicle Rules, Chapters 62-243 and 62-244, F.A.C.**
01/25/22 EPA published Final approval of SIP (87 Fed. Reg. 3661)
11/22/21 EPA published proposed approval of SIP (86 Fed. Reg. 66255)
07/02/20 Proposed SIP revision submitted to EPA
07/08/20 Public Hearing, if requested (hearing canceled, no hearing requested)
05/27/20 Pre-Hearing Draft Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.
- 14. Proposed SIP Revision 2018-05 - ISIP Amendment – 2015 Revised Ozone National Ambient Air Quality Standard**
12/02/21 EPA published final approval of Prongs 1 and 2 (86 FR 68413)
07/19/21 EPA published supplemental proposed approval of Prongs 1 and 2 (86 FR 37942)
04/06/20 EPA published final approval of all but Prongs 1 and 2 (85 FR 19089), effective 05/06/20
12/30/20 EPA published proposed approval of Prongs 1 and 2 (84 FR 71854)
12/17/19 EPA published proposed approval of all but Prongs 1 and 2 (84 FR 68863)
09/18/18 Proposed ISIP revision submitted to EPA
09/06/18 Public Hearing, if requested (hearing canceled, no hearing requested)
08/03/18 Pre-Hearing Draft Proposed ISIP revision submitted to EPA and Notice of Hearing published in the FAR.
- 15. Adoption by Reference of EPA Regulations**
Rules noticed: 62-204.800 (OGC No. 21-0811)
10/08/21 Certification package filed with DOS 10/08/21; rule amendments adopted, effective 10/08/21
09/09/21 Notice of intent to adopt rule (fast-track) published
- 16. SIP Revision 2020-02 – Request to Approve Various Infrastructure SIP Elements**
07/07/21 EPA published final approval of SIP (86 FR 35608)
03/02/21 EPA published proposed approval of SIP (86 FR 12143)
08/26/20 Proposed SIP revision submitted to EPA
08/27/20 Public Hearing, if requested (hearing canceled, no hearing requested)
07/21/20 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.
- 17. Rule 62-210.300, F.A.C., Stationary Sources – General Requirements**
06/16/21 Rule amendments adopted, effective 06/16/21
05/27/21 Filed certification package with DOS
04/28/21 Notice of Proposed Rule published
03/17/21 Notice of Rule Development published

18. SIP Revision 2019-03 – Amendment to the Maintenance Plan for the Hillsborough County Lead (Pb) Nonattainment Area.

06/04/21	EPA published final approval of SIP
03/25/21	EPA published proposed approval of SIP (86 Fed. Reg. 15840)
01/23/20	Proposed SIP revision submitted to EPA
01/22/20	Public Hearing, if requested (hearing canceled, no hearing requested)
12/18/19	Pre-Hearing Draft Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.